

STATE OF MINNESOTA

Journal of the House

SPECIAL SESSION — 2002

FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, SEPTEMBER 19, 2002

In obedience to the Proclamation of the Honorable Jesse Ventura, Governor of the State of Minnesota, summoning the two houses of the Legislature to meet in Special Session, the members of the House of Representatives assembled in the Chamber of the House of Representatives at the Capitol in Saint Paul on Thursday, the nineteenth day of September 2002 at 12:00 noon.

PROCLAMATION FOR SPECIAL SESSION 2002

Whereas, The Eighty-Second Legislature adjourned on May 20, 2002, and a range of events, including natural disasters, since adjournment have impacted the health, safety and well-being of the citizens of Minnesota; and

Whereas, An extraordinary occasion as envisioned by Article IV, Section 12 of the Minnesota Constitution is thereby created; and

Whereas, The people of Minnesota are best served by legislative action, with a limited agenda and all possible prior agreement, to address the concerns created by the natural disasters and other events;

Now Therefore, I, Jesse Ventura, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Thursday, September 19, 2002, at noon at the State Capitol in Saint Paul, Minnesota.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 16th day of September in the year two thousand and two and of the State the one hundred forty-fourth.

MARY KIFFMEYER
Secretary of State

JESSE VENTURA
Governor

At the hour of 12:00 noon and pursuant to the Proclamation of the Governor and pursuant to Minnesota Statutes 2000, Section 3.073, the Honorable Steve Sviggum, Speaker of the House, called the House of Representatives to order.

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Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorman	Holsten	Lenczewski	Otremba	Stanek
Abrams	Dorn	Howes	Leppik	Ozment	Stang
Anderson, B.	Eastlund	Huntley	Lieder	Paulsen	Swapinski
Anderson, I.	Entenza	Jacobson	Lindner	Pawlenty	Swenson
Bakk	Erhardt	Jaros	Lipman	Paymar	Sykora
Bernardy	Erickson	Jennings	Mahoney	Pelowski	Thompson
Biernat	Evans	Johnson, J.	Mares	Penas	Tingelstad
Bishop	Finseth	Johnson, R.	Mariani	Peterson	Tuma
Blaine	Folliard	Johnson, S.	Marko	Pugh	Vandever
Boudreau	Fuller	Jordan	Marquart	Rhodes	Wagenius
Bradley	Gerlach	Juhnke	McElroy	Rifenberg	Walker
Buesgens	Gleason	Kahn	McGuire	Rukavina	Walz
Carlson	Goodno	Kalis	Molnau	Ruth	Wasiluk
Cassell	Goodwin	Kelliher	Mulder	Schumacher	Westerberg
Clark, K.	Gray	Kielkucki	Mullery	Seagren	Westrom
Daggett	Greiling	Knoblach	Murphy	Seifert	Wilkin
Davids	Gunther	Koskinen	Ness	Sertich	Winter
Davnie	Haas	Krinkie	Nornes	Skoe	Wolf
Dawkins	Hackbarth	Kubly	Olson	Skoglund	Workman
Dehler	Harder	Kuise	Opatz	Slawik	Spk. Sviggum
Dempsey	Hilstrom	Larson	Osskopp	Smith	
Dibble	Hilty	Leighton	Osthoff	Solberg	

A quorum was present.

Hausman, Holberg and Milbert were excused.

Pursuant to Minnesota Statutes 2000, Section 3.073, the Speaker declared the House of Representatives organized for the 2002 Special Session.

Pawlenty moved that the Chief Clerk be and is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is now duly organized pursuant to law for this Special Session. The motion prevailed.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

This is to notify you that the Senate is now duly organized for the 2002 Special Session pursuant to the Minnesota Constitution and Minnesota Statutes.

PATRICK E. FLAHAVEN, Secretary of the Senate

There being no objection, the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Penas introduced:

H. F. No. 1, A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Penas moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Penas moved that the Rules of the House be so far suspended that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1 was read for the second time.

Penas moved to amend H. F. No. 1 as follows:

Page 11, line 24, after "subdivision" delete "4" and insert "5"

The motion prevailed and the amendment was adopted.

Winter offered an amendment to H. F. No. 1, as amended.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

McGuire was excused for the remainder of today's session.

The pending Winter amendment to H. F. No. 1, as amended, was again reported to the House.

POINT OF ORDER

Finseth raised a point of order pursuant to rule 3.21 that the Winter amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," the Speaker submitted the following question to the House: "Is it the judgment of the House that the Finseth point of order is well taken?"

It was the judgment of the House that the Finseth point of order was well taken and the Winter amendment was out of order.

H. F. No. 1, A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lenczewski	Ozment	Stang
Abrams	Dorn	Howes	Leppik	Paulsen	Swapinski
Anderson, B.	Eastlund	Huntley	Lieder	Pawlenty	Swenson
Anderson, I.	Entenza	Jacobson	Lindner	Paymar	Sykora
Bakk	Erhardt	Jaros	Lipman	Pelowski	Thompson
Bernardy	Erickson	Jennings	Mahoney	Penas	Tingelstad
Biernat	Evans	Johnson, J.	Mares	Peterson	Tuma
Bishop	Finseth	Johnson, R.	Mariani	Pugh	Vandever
Blaine	Folliard	Johnson, S.	Marko	Rhodes	Wagenius
Boudreau	Fuller	Jordan	Marquart	Rifenberg	Walker
Bradley	Gerlach	Juhnke	McElroy	Rukavina	Walz
Buesgens	Gleason	Kahn	Molnau	Ruth	Wasiluk
Carlson	Goodno	Kalis	Mulder	Schumacher	Westerberg
Cassell	Goodwin	Kelliher	Mullery	Seagren	Westrom
Clark, K.	Gray	Kielkucki	Murphy	Seifert	Wilkin
Daggett	Greiling	Knoblach	Ness	Sertich	Winter
Davids	Gunther	Koskinen	Nornes	Skoe	Wolf
Davnie	Haas	Krinkie	Olson	Skoglund	Workman
Dawkins	Hackbarth	Kubly	Opatz	Slawik	Spk. Sviggum
Dehler	Harder	Kuisele	Osskopp	Smith	
Dempsey	Hilstrom	Larson	Osthoff	Solberg	
Dibble	Hilty	Leighton	Otremba	Stanek	

The bill was passed, as amended, and its title agreed to.

INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued

The following House File was introduced:

Abrams introduced:

H. F. No. 2, A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Abrams moved that the rule therein be suspended and an urgency be declared so that H. F. No. 2 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Abrams moved that the Rules of the House be so far suspended that H. F. No. 2 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 2 was read for the second time.

H. F. No. 2, A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Gunther	Kelliher	McElroy	Pugh
Abrams	Dempsey	Haas	Kielkucki	Molnau	Rhodes
Anderson, B.	Dibble	Hackbarth	Knoblach	Mulder	Rifenberg
Anderson, I.	Dorman	Harder	Koskinen	Mullery	Rukavina
Bakk	Dorn	Hilstrom	Krinkie	Murphy	Ruth
Bernardy	Eastlund	Hilty	Kubly	Ness	Schumacher
Biernat	Entenza	Holsten	Kuisle	Nornes	Seagren
Bishop	Erhardt	Howes	Larson	Olson	Seifert
Blaine	Erickson	Huntley	Leighton	Opatz	Sertich
Boudreau	Evans	Jacobson	Lenczewski	Osskopp	Skoe
Bradley	Finseth	Jaros	Leppik	Osthoff	Skoglund
Buesgens	Folliard	Jennings	Lieder	Otremba	Slawik
Carlson	Fuller	Johnson, J.	Lindner	Ozment	Smith
Cassell	Gerlach	Johnson, R.	Lipman	Paulsen	Solberg
Clark, K.	Gleason	Johnson, S.	Mahoney	Pawlenty	Stanek
Daggett	Goodno	Jordan	Mares	Paymar	Stang
Davids	Goodwin	Juhnke	Mariani	Pelowski	Swapinski
Davnie	Gray	Kahn	Marko	Penas	Swenson
Dawkins	Greiling	Kalis	Marquart	Peterson	Sykora

Thompson	Vandev eer	Walz	Westrom	Wolf
Tingelstad	Wagenius	Wasiluk	Wilkin	Workman
Tuma	Walker	Westerberg	Winter	Spk. Sviggum

The bill was passed and its title agreed to.

INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued

The following House File was introduced:

Abrams introduced:

H. F. No. 3, A bill for an act relating to sales tax imposed on the delivery of aggregate materials and concrete block; making technical corrections; amending Minnesota Statutes 2002, section 297A.61, subdivision 3.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Abrams moved that the rule therein be suspended and an urgency be declared so that H. F. No. 3 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Abrams moved that the Rules of the House be so far suspended that H. F. No. 3 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 3 was read for the second time.

H. F. No. 3, A bill for an act relating to sales tax imposed on the delivery of aggregate materials and concrete block; making technical corrections; amending Minnesota Statutes 2002, section 297A.61, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Dehler	Evans	Greiling	Huntley
Abrams	Buesgens	Dempsey	Finseth	Gunther	Jacobson
Anderson, B.	Carlson	Dibble	Folliard	Haas	Jaros
Anderson, I.	Cassell	Dorman	Fuller	Hackbarth	Jennings
Bakk	Clark, K.	Dorn	Gerlach	Harder	Johnson, J.
Bernardy	Daggett	Eastlund	Gleason	Hilstrom	Johnson, R.
Biernat	Davids	Entenza	Goodno	Hilty	Johnson, S.
Blaine	Davnie	Erhardt	Goodwin	Holsten	Jordan
Boudreau	Dawkins	Erickson	Gray	Howes	Juhnke

Kahn	Leppik	Ness	Penas	Skoglund	Vandever
Kalis	Lieder	Nornes	Peterson	Slawik	Wagenius
Kelliher	Lindner	Olson	Pugh	Smith	Walker
Kielkucki	Lipman	Opatz	Rhodes	Solberg	Walz
Knoblach	Mahoney	Osskopp	Rifenberg	Stanek	Wasiluk
Koskinen	Mares	Osthoff	Rukavina	Stang	Westerberg
Krinkie	Mariani	Otremba	Ruth	Swapinski	Westrom
Kubly	Marko	Ozment	Schumacher	Swenson	Wilkin
Kuisle	Marquart	Paulsen	Seagren	Sykora	Winter
Larson	Molnau	Pawlenty	Seifert	Thompson	Wolf
Leighton	Mullery	Paymar	Sertich	Tingelstad	Workman
Lenczewski	Murphy	Pelowski	Skoe	Tuma	Spk. Sviggum

The bill was passed and its title agreed to.

INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued

The following House Files were introduced:

Clark, K., and Koskinen introduced:

H. F. No. 4, A bill for an act relating to crime prevention; creating a gross misdemeanor for assaulting a member of a community crime prevention group; amending Minnesota Statutes 2002, section 609.2231, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Anderson, I., introduced:

H. F. No. 5, A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K., and Koskinen introduced:

H. F. No. 6, A bill for an act relating to crime prevention; establishing a pilot project to enhance community policing efforts; providing competitive grants to certain law enforcement agencies; appropriating money.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Erhardt introduced:

H. F. No. 7, A bill for an act relating to taxation; individual income; allowing the deduction of charitable contributions in calculating alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K., and Koskinen introduced:

H. F. No. 8, A bill for an act relating to crime prevention; requiring law enforcement agencies and prosecuting authorities in cities of the first class to notify community crime prevention groups of the outcome of criminal proceedings; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Koskinen and Clark, K., introduced:

H. F. No. 9, A bill for an act relating to health; restricting health plan premium increases; requiring a report; amending Minnesota Statutes 2002, section 62J.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Tingelstad, Abeler and Goodwin introduced:

H. F. No. 10, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Northstar commuter rail project.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Anderson, I., introduced:

H. F. No. 11, A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K., introduced:

H. F. No. 12, A resolution urging Congress to support the creation of a National Affordable Housing Trust Fund.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Folliard; Koskinen and Clark, K., introduced:

H. F. No. 13, A bill for an act relating to commerce; regulating home loans; providing protections; proposing coding for new law as Minnesota Statutes, chapter 58A.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Peterson and Anderson, I., introduced:

H. F. No. 14, A resolution urging the United States House of Representatives to pass legislation for federal disaster assistance to agriculture.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

MOTIONS AND RESOLUTIONS

Abrams moved that the names of McElroy; Anderson, I.; Gleason; Paulsen; Erhardt; Dibble; Kelliher and Mullery be added as authors on H. F. No. 2. The motion prevailed.

Abrams moved that the names of McElroy and Anderson, I., be added as authors on H. F. No. 3. The motion prevailed.

Clark, K., moved that the names of Dibble, Mariani and Wagenius be added as authors on H. F. No. 4. The motion prevailed.

Clark, K., moved that the names of Dibble, Mariani, Hilstrom, Wagenius and Mullery be added as authors on H. F. No. 6. The motion prevailed.

Clark, K., moved that the names of Dibble, Mariani, Wagenius and Mullery be added as authors on H. F. No. 8. The motion prevailed.

Koskinen moved that the name of Evans be added as an author on H. F. No. 9. The motion prevailed.

Clark, K., moved that the names of Dibble, Mariani, Hilstrom, Wagenius, Greiling, Evans and Johnson, R., be added as authors on H. F. No. 12. The motion prevailed.

Clark, K., moved that the name of Thompson be added as chief author on H. F. No. 12. The motion prevailed.

Folliard moved that the names of Greiling, Evans, Davnie, Paymar, Gray and Mariani be added as authors on H. F. No. 13. The motion prevailed.

Peterson moved that the names of Kubly, Leighton, Winter, Kalis, Skoe, Marquart, Lieder, Juhnke, Otremba and Schumacher be added as authors on H. F. No. 14. The motion prevailed.

Pawlenty moved that the Chief Clerk be and is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is about to adjourn this 2002 Special Session sine die. The motion prevailed.

Pawlenty moved that the Chief Clerk be and is hereby authorized to correct and approve the Journal of the House, 2002 Special Session, for Thursday, September 19, 2002, and that he be authorized to include in the Journal for today any subsequent proceedings. The motion prevailed.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1, A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections

256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2, A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3, A bill for an act relating to sales tax imposed on the delivery of aggregate materials and concrete block; making technical corrections; amending Minnesota Statutes 2002, section 297A.61, subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

This is to notify you that the Senate is about to adjourn the 2002 Special Session sine die.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTION TO ADJOURN 2002
SPECIAL SESSION SINE DIE

Pawlenty moved that the House adjourn sine die for the 2002 Special Session. The motion prevailed and the Speaker declared the House stands adjourned sine die for the 2002 Special Session.

EDWARD A. BURDICK, Chief Clerk, House of Representatives